

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CERTAIN UNDERWRITERS AT LLOYDS,
LONDON and PRIME INSURANCE
COMPANY,

Plaintiffs,

-against-

JOSE MENDOZA, NYC SECURITY
SERVICES, INC., AND JOHN DOE-
SECURITY GUARD, as yet unidentified,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/26/2024

20-CV-2939 (AT) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Plaintiffs' motion for a default judgment is pending before the Court. Plaintiffs seek a declaration that they have no duty to defend or indemnify defendant NYC Security Services, Inc. (NYC Security) in a personal injury action filed against NYC Security and others under the caption *Mendoza v. A-P 3964 Corp., et al.*, Index No. 158495/2018 (N.Y. Supreme Court, N.Y. Co.) (the Underlying Action).

It has come to the Court's attention that the Underlying Action was discontinued with prejudice as against NYC Security on December 20, 2023. It has further come to the Court's attention that the Stipulation of Discontinuance filed in the Underlying Action was signed, on behalf of NYC Security, by Joanna M. Roberto, Esq. – who appears in this action as counsel of record for plaintiffs, adverse to NYC Security. These facts appear in the record of the Underlying Action but were not disclosed to the Court by plaintiffs.

It is hereby ORDERED that the Court will conduct a telephonic conference on **July 2, 2024, at 10:00 a.m.** A few minutes before the scheduled conference, plaintiffs must call **(888) 557-8511** and enter the access code **7746387**.

At the conference, plaintiffs should be prepared to discuss (a) whether this action is moot; and (b) whether, assuming a live case or controversy still exists, attorney Roberto and her firm are ethically barred from representing plaintiffs herein. If plaintiffs no longer wish to pursue this action, they may, before the date of the conference, file a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1).

Dated: New York, New York
June 26, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge